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Sixth report of the Secretary-General on the United Nations Integrated Office in Burundi

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1858 (2008), by which the Council extended the mandate of the United Nations Integrated Office in Burundi (BINUB) until 31 December 2009, and requested me to keep it regularly informed of progress in the implementation of the resolution. It covers major developments in Burundi and the implementation of the mandate of BINUB since my last report of 22 May 2009 (S/2009/270), and also confirms the findings and recommendations of the electoral needs assessment mission conducted in July.

II. Major developments

A. Peace process

2. The period under review witnessed significant progress in the peace process, despite some residual tasks and remaining challenges. In late May, the Government issued several decrees nominating 24 Forces nationales de libération (FNL) leaders to civil service positions, including ambassadorial posts and governorships, in line with the Summit Declaration of the Heads of State and Governments of the Great Lakes Region of 4 December 2008. Among others, FNL Chairperson Agathon Rwasa was nominated as Director General of the National Social Security Institute, and the former FNL Secretary General as principal adviser in the military office of the President. However, nine out of 33 positions allocated to FNL are yet to be filled.

3. On 31 May, the mandate of the South African Facilitator, Charles Nqakula, ended. With the closing of the office of the Facilitation, the residual tasks for the disarmament, demobilization and reintegration process of FNL ex-combatants were handed over to the Government. Most of the 650 elements of the African Union Special Task Force withdrew. Some 100 elements from the Close Protection Unit, however, will remain in Burundi until 31 December 2009 to continue providing protection to some senior FNL leaders. It is expected that the protection of FNL leaders will then be entrusted to the joint FNL-Government protection unit. The successor mechanism to the South African Facilitation, the Partnership for Peace in Burundi, was established on 27 May to monitor continuing challenges to the peace

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process, which includes helping foster the FNL's transformation into a political party and its full integration into civilian and security institutions, while keeping regional leaders informed. The Partnership role also includes mobilizing regional States and the wider international community and proposing corrective measures, should problems arise. The Partnership is chaired by Ambassador Dumisani Kumalo of South Africa, and comprises representatives of the Political Directorate, the secretariat of the International Conference on the Great Lakes Region and BINUB, which also serves as its secretariat. Meanwhile, participating entities, including the Political Directorate, continued their work under their respective mandates.

4. The first meeting of the Partnership for Peace in Burundi, chaired by Ambassador Kumalo, was held on 13 July in Bujumbura to review progress regarding the accreditation of FNL as a political party, and the integration and training of 3,500 ex-FNL combatants into the national army and police. In its communiqué, the Partnership for Peace in Burundi urged the parties to fill the outstanding nine positions allocated to FNL and to accelerate the demobilization of 5,000 ex-combatants of Parti pour la libération du peuple Hutu (Palipehutu)-FNL, as well as the disengagement of 11,000 adults associated with the former rebel movement. It also called for the release of remaining former Palipehutu-FNL prisoners. The Partnership is scheduled to meet at the end of November to discuss the way forward when its mandate expires at the end of December.

B. Political developments

5. During the reporting period, political activity in Burundi was dominated by events related to the upcoming 2010 presidential, legislative and local elections. The Independent National Electoral Commission is operational and the legislative framework is in place.

6. On 29 May, international partners established a twin mechanism to coordinate international assistance for the elections. The Consultative Strategic Committee, chaired by my Executive Representative, serves as a forum to define strategic guidelines for international assistance and promotes an exchange of views and information among national and international stakeholders to ensure the smooth conduct of the electoral process. The Technical Coordination Committee, chaired by the United Nations Development Programme (UNDP) Country Director, coordinates international technical, logistical and financial assistance through the Independent National Electoral Commission and oversees the management of the basket fund established by UNDP. Both committees have been meeting regularly since July.

7. President Pierre Nkurunziza requested the United Nations, in a letter dated 11 May, to support the electoral process. Subsequently, I instructed the Under-Secretary-General for Political Affairs to field a needs assessment mission to Burundi. From 6 to 14 July, the needs assessment mission, which liaised closely with BINUB, consulted with a wide range of Burundian and international stakeholders, including the Independent National Electoral Commission, legislators, representatives of political parties, civil society and religious leaders, and members of the donor and diplomatic community. The purpose of the mission was to assess the status of the electoral preparations in order to develop recommendations on the electoral assistance the United Nations should provide.

8. The needs assessment mission determined that the existing conditions were generally propitious for the holding of credible elections in Burundi. One of the main indicators was that the Independent National Electoral Commission enjoyed the trust of the Government, all leaders of political parties and the civil society, and it was perceived as impartial and independent. Nevertheless, the operational needs of the Commission led the needs assessment mission to recommend the establishment of a United Nations electoral support programme through which the Commission would benefit from technical expertise and support in the planning and implementation of various electoral operations. The programme would be managed by the UNDP Office in Burundi, in close coordination with the Electoral Assistance Division of the Department of Political Affairs, and funded through the above-mentioned multi-donor basket fund. This assistance would aim at ensuring sustainability, knowledge transfer and national ownership.

9. In order to address the security concerns raised by most of the mission's interlocutors, the mission recommended that the Independent National Electoral Commission establish, in coordination with relevant ministries, a cell to advise the Commission on election-related security matters. Further, the mission recommended that sustained and concomitant support continue to be given to the Government's efforts aimed at addressing challenges, which is critical to ensuring the country's long-term stability, including the sustainable reintegration of returnees and former combatants, the alleviation of extreme poverty, and further improvements in the areas of security, human rights, justice and governance.

10. The needs assessment mission also recommended that, in the light of the logistical needs of the Independent National Electoral Commission, the tight electoral timeline, and the scope of the tasks ahead, BINUB be prepared to provide, if required, specific logistical support to the Commission at crucial phases of the electoral process, such as the transportation of polling materials in remote areas. Accordingly, the needs assessment mission recommended that BINUB current transportation and air assets be strengthened to allow the Mission to provide such support. In my letter of 3 September, I informed the President of the Security Council on the findings and recommendations of the electoral needs assessment mission.

11. The Independent National Electoral Commission commenced its activities, including the preparation of the electoral budget, in cooperation with the United Nations. It has made important progress in preparing a nationwide civic education campaign, which was launched by President Nkurunziza on 4 September. Civic education activities are continuing nationwide. Also on 4 September, the Minister of the Interior announced the establishment of an electoral department within that Ministry. Opposition parties expressed concern that this could lead to political interference in the activities of the Commission. However, in response, the Minister of the Interior gave public assurances that the Commission will remain in charge of the organization of the elections. On 5 November, the Commission appointed the members of the 17 independent provincial electoral commissions.

12. On 18 September, the Minister of External Relations and International Cooperation and the UNDP Country Director signed a project document outlining priority areas in the electoral process that need international support. The document was prepared in close consultation with relevant national and international partners. The Government committed to contribute $6.1 million to the estimated budget of

$43.7 million for the elections. In line with the recommendations of the needs assessment mission, the document also provides for the establishment of the UNDP-managed basket fund for donor contributions to the outstanding $37.6 million. To date, approximately $16.4 million have been pledged; however, funds actually made available amount only to some $2.7 million. If there is not a significant upsurge in funding, this could have an adverse impact on the preparations for the elections to be held next year.

13. During its ordinary session, the Parliament adopted 12 laws, the most important ones being the law on the National Commission for Land and Other Assets and the law on small arms and light weapons control. During an extraordinary session, the Parliament adopted five additional laws, including the revised electoral code, which was promulgated on 19 September. The Independent National Electoral Commission welcomed the adoption of the text, which reflected a consensus with regard to some controversial provisions, including on the sequencing of the polls (communal, presidential, legislative, senatorial and *collinaire*), the use of multiple ballot papers and the amount of the deposit for presidential candidates. The consensus was a result of a lengthy debate among the political parties represented in the Parliament. Throughout this process, the Consultative Strategic Committee, with the support of BINUB, advocated for an inclusive approach in revising the electoral code.

14. On 8 June, the Minister of the Interior accredited the Mouvement pour la solidarité et la démocratie (MSD) as a political party, bringing the number of political parties registered in Burundi to 43. Also during the reporting period, the party Union pour le progrès national (UPRONA) concluded its reunification process with the holding of a national congress, which elected a new party leadership.

15. Although the peace process was progressing relatively well, some strains have become apparent within FNL. On 28 August, a group of senior ex-FNL members was expelled by FNL Chairperson Agathon Rwasa. Those expelled held an "extraordinary congress" on 4 October in Bujumbura to elect a new leadership, claiming that Mr. Rwasa's three-year mandate had expired in 2007. The "congress" decided to remove FNL Chairperson Rwasa. Mr. Rwasa, echoed by opposition parties, strongly condemned the holding of the "congress", accusing the ruling Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD) of attempting to foment dissent within FNL and weakening it in advance of the 2010 elections. He also accused the ruling party, and its affiliated youth group, of attempting to intimidate FNL members, including through arrests and assassinations. During a press conference on 20 October, the Minister of the Interior distanced himself from the outcome of the "extraordinary congress", recognizing Mr. Rwasa as the legitimate leader of FNL.

16. The opposition parties continued to report attempts at intimidation by CNDD-FDD and restrictions on the freedom of assembly imposed by local authorities throughout the country. They also accused Radio Télévision Nationale du Burundi of being biased and criticized the continuing media coverage of CNDD-FDD activities while the activities of the opposition parties received less media coverage. In September, civil society groups called for closer collaboration between the media and civil society, with a view to encouraging transparency and public access to information during the electoral period, and deterring electoral fraud. On 3 October, different organizations of journalists and media professionals established, with the

support of BINUB, the Union of Burundian Journalists, which aims at protecting and promoting press freedom, including through the monitoring of violations of the rights of journalists.

17. On 7 October, the Government established by decree the Permanent Forum for Dialogue among accredited political parties. The Forum is aimed at strengthening the political party system and promoting dialogue on issues of national interest.

18. The Under-Secretary-General for Political Affairs, B. Lynn Pascoe, visited Burundi on 19 and 20 October to consult with national and international stakeholders on the situation in the country, in particular with regard to the preparations of the 2010 elections. The Under-Secretary-General for Peacekeeping Operations, Alain Le Roy, who visited Burundi on 3 November, as part of a stock-taking mission to the Great Lakes region, reviewed BINUB operations and efforts undertaken by the United Nations in the area of strategic and programmatic integration.

C. Security situation

19. The security situation in Burundi was stable during the period under review, particularly in the north-western provinces owing to the gradual withdrawal of FNL elements from pre-assembly and assembly sites in those areas, and to the significant progress in the disarmament and demobilization process. The above notwithstanding, there has been a worrisome increase in overall criminality throughout the country, particularly armed violence, with an uptrend noted in residential attacks, armed robberies, killings and ambushes, as well as sexual violence.

20. The persistent insecurity can be attributed, generally, to several factors, including the prevalence of small arms and light weapons, conflicts over land, and the limited socio-economic reintegration opportunities for demobilized soldiers and ex-combatants, returning refugees, the displaced and other vulnerable groups.

21. Burundi remains under security phase III. The investigation by the national authorities into grenade attacks against United Nations staff in July 2008 did not progress during the reporting period. Unauthorized demonstrations, mostly peaceful, by individuals claiming to be former ONUB personnel seeking compensation or re-employment continued during the reporting period. During a protest on 9 November, stones were thrown at a United Nations vehicle, breaking a window and injuring one national staff member.

D. Regional aspects

22. On 7 July, Burundi officially joined the East African Community Customs Union comprising the United Republic of Tanzania, Rwanda, Uganda and Kenya, and adopted its common external tariff. This also led to the introduction of a value-added tax replacing a transaction tax. Other reforms are under way to help Burundi further benefit from this regional partnership.

23. Following media reports alleging the presence of elements from the Forces démocratiques de libération du Rwanda (FDLR) in Burundi, BINUB and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC)

established a joint task team that met on 24 and 25 August in Bujumbura to look into the matter. The team met with a wide range of interlocutors, including from the relevant Burundian security services, and concluded that there was no concrete evidence of FDLR armed presence in Burundi.

24. On 5 and 6 November, the International Conference on the Great Lakes Region, held a round table conference in Bujumbura, with the support of the African Development Bank, to review remaining challenges in the Great Lakes region and initiate dialogue aimed at mobilizing required financial and technical resources to implement the Pact on Security, Stability and Development in the Great Lakes region. Participants pledged their continued political, logistical and financial support to the International Conference.

III. Activities related to the Peacebuilding Commission

25. The Peacebuilding Commission has continued to closely follow the situation in Burundi. Ambassador Peter Maurer, Permanent Representative of Switzerland to the United Nations in New York, was elected to chair the Burundi configuration of the Peacebuilding Commission on 29 June, replacing Ambassador Anders Lidén, Permanent Representative of Sweden to the United Nations in New York.

26. On 29 July, the Government submitted its third biannual progress report on the implementation of the Strategic Framework for Peacebuilding in Burundi. The report outlined the main challenges and included a set of recommendations taking into account the concerns of all relevant stakeholders. The Peacebuilding Commission welcomed the report and reaffirmed its commitment to support the upcoming 2010 elections, as well as the completion of the disarmament, demobilization and reintegration process and the long-term reintegration of ex-combatants, demobilized soldiers, returnees, internally displaced people and other groups affected by the war. It issued a series of new recommendations, while also identifying specific peace consolidation challenges, which included the reintegration of ex-combatants; the creation of an environment conducive to the conduct of free, fair, credible and peaceful elections; human rights violations, and high levels of unemployment and poverty. On 10 and 11 November, the Chairperson of the Burundi configuration of the Peacebuilding Commission paid a visit to Burundi to take stock of the progress in the implementation of the above-mentioned recommendations and the preparation of the national strategy regarding the socio-economic reintegration of conflict-affected populations, and to identify remaining gaps in international assistance to the electoral process.

27. The effectiveness of the Political Forum, the highest body of the Partners Coordination Group, has been increased in coordinating international assistance in the areas of peacebuilding and development. The Forum, which is co-chaired by the Government and BINUB, was instrumental in monitoring progress made in the implementation of the Strategic Framework and has become the local counterpart of the Peacebuilding Commission configuration on Burundi. Through dialogue with the Government, it ensures follow-up to the Peacebuilding Commission recommendations, in particular with regard to conditions for the 2010 elections.

IV. Peace consolidation challenges

A. Governance

28. BINUB pursued its activities in support of democratic governance institutions during the period under review, including the finalization of the "Cadres de Dialogue" project funded by the Peacebuilding Fund, the launching of public administration reform programmes and the strengthening of capacities of key parliamentary commissions. In particular, BINUB supported the third and final phase of the Dialogue project. This phase brought parliamentarians, political parties, civil society and the media together at the regional forums to assess progress made in the implementation of the project and its impact.

29. On 20 August, the Ministry of Civil Service initiated the preparation of the comprehensive public administration reform programme in line with the reform strategy paper adopted in March. This reform is expected to be completed by May 2010. A public administration sub-group, co-chaired by the Ministry of Civil Service and BINUB, has been established within the Partners Coordination Group to coordinate international support to the public administration reform programme.

30. BINUB continued to support the Parliament with a view to strengthening its administration. Efforts focussed on the legal capacity of key National Assembly commissions, particularly the Commission on Justice and Human Rights and the Commission on Finance, through the creation of a legal database that will provide and encourage access to laws and regulations within the commissions. This database is expected to be operational by June 2010.

31. As part of the Peacebuilding Fund project focussing on strengthening anti-corruption mechanisms, BINUB assisted the Government in equipping four new regional special anti-corruption police brigades, in addition to the four existing brigades. This initiative has also contributed to enhancing the efficiency of the Special Anti-Corruption Court this year, resulting in an increase of cases from 83 processed in 2008 to 106 in 2009. Overall, since anti-corruption legislation in Burundi has been enacted in 2006 and appropriate institutional mechanisms were established in 2007, 319 corruption cases have been brought before the court. Of these, 232 have been processed and concluded. The Ministry of Good Governance is preparing a comprehensive policy to fight corruption aimed at fostering synergies between different actors. On 26 October, the Burundian Ambassador to Kenya and the former Burundian ambassador to Italy were arrested on charges of embezzlement of funds.

32. During the reporting period, BINUB continued assisting the Ministry of the Interior in improving local public administration services through the building and rehabilitating of offices, as well as through enhancing the capacity of civil registration services. From July to September, 14 out of the 19 commune offices that were to be built or refurbished by BINUB with support from the Peacebuilding Fund, were officially handed over to local authorities. In addition, information and awareness-raising workshops on the decentralization process were held throughout the country.

B. Security sector reform

33. During the period under review, BINUB continued activities in support of the reform of the army, police and intelligence services. Two out of six security sector reform projects on civilian disarmament and support to the National Intelligence Services had been completed with the support of the Peacebuilding Fund at the end of October. The remaining projects are scheduled to close at the end of the year.

34. On 3 June, with BINUB assistance and the support of the Peacebuilding Fund, the National Intelligence Service opened its premises and some of the holding cells to the public, in a bid to change its image and perception. Also in June, the Service formally signed its official Code of Ethics, a product of collaboration with BINUB. In an effort to further professionalize the Service, BINUB, with support from the Peacebuilding Fund, launched procedural training with a focus on law and human rights for senior Service personnel. Comparable training for remaining ranks was launched in September and the programme was successfully completed in October. Furthermore, BINUB helped reinforce civilian oversight capacity by providing computers to the parliamentary Commission on Security and Defence.

35. BINUB continued to provide training to the police on gender-based violence, professional ethics, and the role of women in police service, as well as on the integration of former FNL combatants into the police. BINUB also continued, together with international partners, to build the capacities of the Burundian National Police, in particular with regard to security during the electoral process. In addition, 24,687 of an estimated total of 29,000 members of the national army have completed training in the areas of code of conduct, human rights, gender and HIV/AIDS, supported by the Peacebuilding Fund.

C. Disarmament, demobilization and reintegration

36. Significant progress was registered in the disarmament and demobilization of former FNL combatants. On 16 June, the World Bank approved a $15 million grant to the Government of Burundi to support the demobilization of caseloads signatory to the 2006 Comprehensive Ceasefire Agreement and those outside of the Agreement. Subsequently, the Technical Coordination Team successfully processed 4,950 FNL ex-combatants and 1,556 FNL dissidents at the Gitega demobilization centre. The African Union took over the responsibilities of monitoring the process and reporting to the Political Directorate. The African Union, BINUB and the World Bank continue to support the process towards its expected completion. With a view to coordinating the process, a Joint Operation Centre was established. It is chaired by the Technical Coordination Team with the support of the World Bank and is composed of representatives of the Government, FNL, the African Union and BINUB. Reintegration programmes for demobilized ex-combatants are expected to be launched in March 2010, following the completion of staggered return indemnity payments.

37. The last assembly area and the Gitega demobilization centre were officially closed on 10 and 15 August, respectively. Meanwhile, the Government commenced payment of the second instalment of return indemnity to demobilized ex-combatants in their communities. On 17 August, the Peace and Security Council of the African Union welcomed the successful conclusion of the demobilization process and

commended the Burundian parties to the peace process for the political will they have demonstrated. The Peace and Security Council also called on the international community to continue supporting Burundi in its efforts to consolidate peace and promote national reconciliation, as well as to assist in the socio-economic integration of former combatants.

38. Meanwhile, the process to assist some 11,000 adults associated with FNL combatants continued in pre-assembly areas with the support of BINUB and UNDP through a $2 million emergency basket fund. The first phase of the process was completed on 19 August, with a total of 9,138 men and 1,048 women being issued return kits and the first instalment of return assistance and transported to their home communities. The programme included the design and implementation of a gender sensitive approach, in the spirit of Security Council resolution 1325 (2000), and provided the option for women to open an account in a microfinance institution at no cost with a view to facilitating their reintegration into their communities. The process was successfully completed on 27 October, following payment of the second instalment of return assistance. To strengthen community reinsertion in the provinces with the highest concentration of adults associated with FNL, UNDP launched the Community Reconstruction Service, in coordination with the Government and international partners, including the Peacebuilding Fund. The project aims at creating job opportunities to reconstruct community infrastructure such as roads, bridges, schools, health centres and houses for vulnerable populations, and to support other community needs, including sanitation and the planting of trees.

39. BINUB and UNDP also continued to assist the Government in finalizing its national reintegration strategy aimed at providing sustainable economic incentives for ex-combatants and adults formerly associated with armed groups, the internally displaced, returnees and other vulnerable groups, with emphasis on civic education, social cohesion and reconciliation at the community level. The strategy is expected to address the durable community-based socio-economic reintegration of all demobilized combatants. Given the slow progress on critical issues such as land conflicts, national reconciliation and persisting insecurity at the national and regional levels, durable socio-economic reintegration of former combatants and returnees is vital and will help consolidate security and stability established so far.

D. Small arms

40. The Government and the United Nations continued to implement the 2004 Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa. On 28 August, Parliament adopted the law on small arms, which provides for a two-month grace period for civilians to voluntarily remit illegal weapons to the Government. The national commission on civilian disarmament and combating the proliferation of small arms continued collecting weapons and launched the final stage of the voluntary civilian disarmament campaign in the last two weeks of October, following which illegal arms possession will be dealt with under the law. This coincides with the conclusion of the Peacebuilding Fund project in support of the voluntary civil disarmament process.

41. During the period under review, the Government destroyed over 800 small arms and light weapons and some 114,000 pieces of explosive ordnance with assistance from BINUB and UNDP and funding from Switzerland and the United States. In September, BINUB and UNDP completed the rehabilitation of two police armouries in Bujumbura Mairie, and continued to support national defence and security forces in developing arms marking, tracing, and storage and destruction capabilities. Training was provided for army officers to manage a computerized national database of military weapons, and similar training has commenced for the national police.

E. Human rights

42. The human rights situation, including impunity, continued to be a cause of serious concern. During the reporting period, BINUB observed an increase in restrictions of civil and political rights, in particular targeted violence and intimidation by authorities. The rights to freedom of expression, association and assembly have repeatedly been denied to opposition parties and civil society organizations. BINUB has received reports about members of the youth wing of the ruling CNDD-FDD party, the Imbonerakure, being involved in community patrols, guarding premises and accompanying public and police officials during arrest procedures, allegedly sanctioned by the authorities. Furthermore, cases of popular justice increased, due to, among other things, the limited effectiveness of the judicial system and the Burundian National Police.

43. In September and October, an ad hoc inter-ministerial commission revised the draft law on the establishment of a national independent human rights commission, with a view to better aligning its terms with the relevant international standards. The current version of the draft law raises concern as it provides the executive branch with the authority to appoint commissioners without parliamentary review. The draft law is yet to be considered by the Council of Ministers.

44. During the reporting period, the killing of Ernest Manirumva, Vice-President of the anti-corruption non-governmental organization Observators for the Struggle against Corruption and Economic Embezzlement (OLUCOME), remained a major concern for the Burundian public and the international community. In support of the police and judicial commissions of inquiry, a third commission was established on 2 October. To date, six arrests have been made and the case remains under investigation.

45. BINUB continued efforts aimed at promoting and protecting human rights. These included training for military, police and intelligence services and weekly forums for journalists, trade and civil society representatives. The Government, with the support of BINUB, held a three-day seminar from 25 to 27 August with a view to developing a national strategy and policy for human rights education. BINUB also supported the preparation of reports due under the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the African Charter on Human and Peoples' Rights.

F. Transitional justice

46. With the support of the Peacebuilding Fund, national consultations on transitional justice mechanisms in Burundi began on 14 July, marking the first step towards the establishment of the mechanisms in accordance with the 2000 Arusha Agreement and Security Council resolution 1606 (2005). The process is led by the Tripartite Steering Committee, which comprises representatives of the Government, civil society and the United Nations. As of 6 November, consultations had been held in 13 of 17 provinces, with the turnout averaging 80 per cent. Consultations are expected to be completed by December, with the report to be finalized in March 2010. BINUB continued to conduct its campaigns to raise public awareness on transitional justice-related issues. Meanwhile, the United Nations and the Government agreed to postpone consultations on the modalities and time frames for the establishment of a truth and reconciliation commission and a special tribunal until after national consultations on these mechanisms have been completed.

G. Justice sector reform

47. Little progress has been made in the consolidation of the rule of law, in particular by strengthening the justice and corrections system, including the independence and the capacity of the judiciary. BINUB continued to receive several allegations of political interference in judicial decision-making processes of judges, including the threatening and transferring of judges dealing with sensitive cases. Contrary to the law, the recruitment of judges and prosecutors lacked a competitive examination process, and the Ministry of Justice has continued to make appointments without consulting the Superior Council of the Magistracy.

48. BINUB continued to assist the Government in strengthening the capacity of the justice and corrections system. Four workshops were held on court procedures for court clerks and court personnel. This brings the numbers of court personnel trained in 2009 to 240. BINUB also assisted the Government in its efforts to overhaul court registries and record keeping, develop a national training strategy, and translate the new penal code into the national language, Kirundi. In order to address the overcrowding of prisons and holding cells, BINUB assisted the implementation of a project to renovate seven prisons and supported the Government in developing a national prison strategy. Almost two thirds of Burundi's inmate population are in pretrial detention or being detained without charge.

H. Child protection

49. All children associated with armed groups have been released and united with their families. The community reintegration of these 626 children formerly associated with armed groups started in September. Eighty-four children have resumed formal education, and the others will be offered opportunities for either vocational training of their choice or access to income-generating activities. The programme will be funded by the World Bank.

50. Despite these positive developments, serious violations of children's rights continued to be reported and a climate of impunity for violators of children's rights

persists. The prevalence of sexual violence against children remains of great concern. Children continued to be detained in the same facilities as adults, and there are continuing reports of children being the victims of criminal acts.

51. Pursuant to Security Council resolution 1612 (2005), BINUB, UNICEF and other members of the Country Task Force on Monitoring and Reporting Grave Child Rights Violations continued to conduct capacity-building activities to address impunity for the violations of children's rights, including rape, maiming and illegal detention. The Task Force also continued to advocate for the efficient and sustainable community-based reintegration of children.

I. Media

52. During the period under review, BINUB, together with United Nations Educational, Scientific and Cultural Organization and national partners, continued activities aimed at building the capacity of media professionals. Training courses included basic journalistic skills training and lectures on media regulation, transitional justice, gender equality, ethics in journalism and the role of the media in the electoral process.

53. President Nkurunziza instituted the "Journalist of the Year" award on 19 June, aimed at promoting professionalism, and called on journalists to respect press law and ethics regardless of their political affiliations.

J. Gender

54. In the preparation of the 2010 electoral process, BINUB is providing support for the integration of a gender dimension into the electoral process, with a view to ensuring equal participation of women, men and vulnerable groups in the electoral process as candidates, voters and electoral workers. In collaboration with the United Nations Development Fund for Women, as well as national and international NGOs, BINUB is assisting the Independent National Electoral Commission and a network of women's organizations on elections with a view to developing a women's capacity-building programme. This includes the training of 51 trainers, a practical guide and other training materials for candidates. Gender-based violence remains a great concern. BINUB continued to support the Government in developing a sustainable national strategy to fight sexual and gender-based violence.

K. Humanitarian situation

55. Food insecurity remains an area of concern, despite an increase in food production. The Ministry of Agriculture and United Nations agencies indicated that some provinces, including Bubanza, Bururi, Cankuzo, Kayanza, Kirundo, Makamba, Rutana and Ruyigi, could be affected by acute food insecurity as a result of floods, drought, land conflicts, population influx (returnees), epidemics and market disruptions.

56. During the period under review, the repatriation of Burundian refugees continued, and by 31 October, 31,562 Burundian refugees had returned: 29,021 from the United Republic of Tanzania and 2,541 from other neighbouring countries,

bringing the total of Burundian refugees who have returned to the country since March 2002 to over 500,000. However, some 35,000 refugees remain in the Mtabila camp in the United Republic of Tanzania, which formally closed on 30 September. On 21 August, the Tripartite Commission comprising Burundi, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Republic of Tanzania met in Bujumbura to address the situation of Burundian refugees living in the United Republic of Tanzania. Participants observed that the pace of return of Burundian refugees was very slow owing to their concerns, which are related to socio-economic reintegration rather than to the security situation. The Tripartite Commission also expressed a wish that efforts aimed at encouraging voluntary repatriation among this remaining refugee group continue until the end of the year.

57. Following the joint decision of UNHCR and the Government of Burundi to consolidate a number of refugee camps in order to streamline protection and assistance, refugees, including Congolese Banyamulenge in the Gihinga camp, were encouraged to relocate to the Bwagiriza camp in Ruyigi Province. The majority of the refugees resisted efforts to relocate them and expressed their preference to return home instead. Despite the advice of UNHCR against a return at this time, a large number of refugees attempted to return to the Democratic Republic of the Congo. On 8 October, however, they were obliged to return to the camp after finding the border with the Democratic Republic of the Congo closed. A tripartite meeting is expected to take place before the end of the year to establish parameters for their return to the Democratic Republic of the Congo when conditions permit.

L. Socio-economic situation

58. In July, the International Monetary Fund (IMF) completed the second review of Burundi's economic performance under a programme supported by a three-year poverty reduction and growth facility arrangement. IMF commended the Government of Burundi for its strong performance in implementing the programme, and announced the disbursement of an additional $10.2 million, bringing the total disbursement under the programme to $30.7 million. As part of the second review, Burundi's growth forecast for 2009 was revised by decreasing it to 3.2 per cent, considering the impact of the global financial crisis on its economy, which particularly affected its coffee exports.

59. In August, the Government presented the revised 2009 budget to the Parliament for approval. The revised budget decreased revenue estimates for 2009 by 7.5 per cent, and increased expenditure estimates by 2.5 per cent, in line with the IMF review. The gap between revenues and expenditures will be covered by funds from the European Union, together with one-off rebates from the Common Market for Eastern and Southern Africa. The investment spending was reduced by 13 per cent, compared to the initial 2009 budget and the recurrent spending of Government ministries increased by 8 per cent.

60. On 30 September, President Nkurunziza issued a decree on increases in wages and salary scales for civil servants. This followed recurrent strikes by civil servants calling for salary increases. The Parliament adopted the law on the status of health workers during its extraordinary session, formalizing the outcome of negotiations

between the Government and health-care unions. However, the unions continued to strike, claiming that the law did not address their demands.

61. Pending a review of the current poverty reduction strategy and in an attempt to support the determination of the Government to move from a post-conflict economy to a productive development economy, the Government of Burundi, supported by the World Bank, organized on 26 and 27 October the first Consultative Group meeting in Paris aimed at helping the country to attract investment in sectors that generate economic development and equitable growth. Agriculture, energy, infrastructure and tourism are among the targeted sectors. BINUB had actively supported the World Bank and the Government before and during the meeting.

62. In the meantime, and pending the finalization of the national strategy on socio-economic reintegration of conflict-affected populations, the United Nations, under the leadership of my Representative, is spearheading an integrated pilot project to promote community recovery in the provinces most affected by war, including Bujumbura Rural, Bubanza and Cibitoke. The initiative is aimed at creating socio-economic opportunities for ex-combatants and other vulnerable groups to prevent them from joining gangs or armed groups in view of the upcoming elections.

V. Observations

63. During the period under review, FNL, the last rebel movement, disarmed and transformed itself into a political party, thus concluding in large part the last phase of the peace process. Despite some residual tasks and new challenges, the overall progress bodes well for the future of Burundi. In this regard, I wish to express my gratitude to the Regional Initiative for Peace, the South African Facilitation and the Partnership for Peace in Burundi, including the Political Directorate and the African Union, for helping bring about this positive outcome. The continued support and strong engagement of regional and international partners will be critical for ensuring that this achievement is irreversible.

64. I commend the Government of Burundi and the political parties for having risen above partisan differences and engaging in dialogue. I welcome the decision of the Government to provide a legal framework for the Permanent Forum for Dialogue. This mechanism, once operational, could serve as another space for political dialogue to resolve whatever differences that may arise before, during and after the electoral process.

65. It is primarily the responsibility of the Government and its national partners to create the propitious conditions for the elections. In this regard, I am encouraged by President Nkurunziza's repeated affirmation that these elections will be free, fair and peaceful. Political leaders should be commended for adopting an electoral code that enjoys wide consensus. I urge the Government and the political parties to continue their efforts to preserve the independence and credibility of the Independent National Electoral Commission.

66. I remain concerned about reports on restrictions to the freedom of assembly and expression of opposition parties imposed by local authorities. I am equally concerned by the reports on militant activities of youth groups allegedly associated with certain political parties that are generating fear and suspicion. I call on the

Government and the political leaders to remain vigilant and to take the necessary actions to put an end to these activities.

67. I remain deeply concerned about human rights abuses and the prevailing climate of impunity, including a number of serious crimes that remain unaddressed. In this regard, an early and just conclusion of the case involving the killing of the Vice-President of OLUCOME would be an important step in the right direction.

68. I wish to encourage the Government to persevere in its efforts to stem corruption. I also encourage it to pursue the structural reforms aimed at improving political, economic and administrative governance.

69. I am encouraged by the Government's decision to revise the draft law on the establishment of a national independent human rights commission in the light of the Paris Principles. I reiterate my call for the establishment of an independent and credible commission that is fully compliant with those Principles. In this regard, I wish to underscore the importance of establishing a transparent process for the appointment of commissioners that includes appropriate parliamentary oversight. BINUB continues to stand ready to support the commission and other recently established democratic institutions, which will enhance the capacity of Burundians to consolidate peace and promote the rule of law.

70. In the area of transitional justice, I wish to express my appreciation for the constructive role played by the Government as a partner within the Tripartite Steering Committee charged with overseeing the national consultations on the establishment of the twin mechanisms, namely the truth and reconciliation commission and the special tribunal. The transparent and inclusive processes that have so far guided the consultations will enhance the credibility of the outcome and its legitimacy as a basis for the next steps towards the establishment of the twin mechanisms. In this connection, the United Nations stands ready to resume, at the appropriate time, negotiations with the Burundian authorities with a view to reaching agreement on the remaining outstanding issues relating to the functioning of these mechanisms.

71. While the Government and its international partners have made encouraging efforts in the area of security by stemming the proliferation of small arms among civilian population, weak institutional capacity remains a serious constraint. Additional efforts aimed at professionalizing the police and strengthening the judiciary will be essential to sustain the achievements.

72. I am encouraged by the effective demobilization and reinsertion of FNL combatants, as well by the successful disengagement of adults and children associated with the movement. The longer-term socio-economic reintegration of former combatants, returnees and other vulnerable groups remains a challenge. Every effort must be made to ensure sustainable reintegration of these groups, in order to prevent them from becoming an added source of insecurity. I urge the international partners, particularly the Peacebuilding Commission, to stand ready to support the implementation of the Government's national reintegration strategy as soon as it has been finalized and endorsed in the appropriate forums.

73. Peace, justice and the rule of law cannot be sustained without development. I welcome the holding of the Consultative Group meeting of donors in Paris supported by the World Bank. I urge the international partners to continue to support

the Government efforts towards meeting the goals set in the poverty reduction strategy and the Millennium Development Goals.

74. I commend the Peacebuilding Commission for the effective partnership it has developed over the past three years with the Government and other national stakeholders. I appreciate the ongoing efforts of the Commission to help mobilize international support for the electoral process and the national strategy for socio-economic reintegration.

75. It is clear that so much has been achieved in Burundi in such a short time, considering where the country has come from. Yet the situation remains fragile. BINUB has played a commendable role in helping the Government meet its sovereign responsibilities in consolidating peace and laying the foundation for socio-economic recovery, particularly for those most affected by the conflict. Next year is crucial. Burundi must be assisted to ensure that the gains achieved so far are consolidated before, during and after the 2010 elections, so the country can continue on the path of national reconciliation, democratic and accountable governance, and development.

76. In the light of the above, I recommend that the mandate of BINUB be renewed for an additional year when it expires on 31 December 2009. The Government of Burundi concurs with this recommendation.

77. I would like to conclude by expressing my sincere gratitude to my Executive Representative, Youssef Mahmoud, and to all United Nations personnel for their dedication and tireless efforts to implement the mandate of BINUB in a truly integrated manner. My appreciation also goes to non-governmental organizations and bilateral and multilateral partners for their unwavering commitment and generous contributions to Burundi.